

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13946 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

HEIRS OF RAMESHCHANDRA NAGINDAS

Versus

STATE OF GUJARAT

Appearance:

MR BN RAVAL for Petitioners

MR VM PANCHOLI, AGP for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 20/07/1999

ORAL JUDGEMENT

Heard Mr VM Pancholi, learned AGP for the respondents.

2. In this petition, the petitioners have challenged the order dated 27.10.1993 passed by the State Government under Section 34 of the of the Urban Land (Ceiling & Regulation) Act, 1976 declaring 529 sq.mtrs. of the petitioners' land as excess vacant land.

3. While admitting the petition on 17.12.1993, this Court granted ad-interim injunction restraining the respondents from implementing the aforesaid order. The authorities have not taken over possession of the land in question from the petitioners, which fact is not in dispute in view of the instructions contained in the letter No. KS/30SCA/General/99/V-4, dated 23.6.1999 from the Section Officer, Revenue Department, Government of Gujarat to the Government Pleader.

4. The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999, passed under Article 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the order impugned in the present petition does not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

5. The petition is accordingly disposed of as having abated. There shall be no order as to costs.

July 20, 1999 (M.S. Shah, J.)

sundar/-